

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5777 of 1984

Date of decision: 24-12-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

H. T. MOTWANI, DY. EXECUTIVE ENGINEER

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioner
Mr. V. B. Gharania for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/12/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The counsel for the petitioner has drawn the attention of this Court to the order dated 16th April, 1985 made in this special civil application. The order reads as follows:

"Rule, returnable in the month of August, 1985. Interim relief granted on 24-1-1985 shall stand vacated, but I direct the respondent authorities to consider the case of the petitioner for promotion in the light of annexures D & E in the course of two months from today. Any further promotion shall be subject to the petitioner's rights."

This court has directed the respondent to consider the case of the petitioner for promotion in the light of annexures D and E in the course of two months from the date of the order. Both the counsel for the petitioner and the respondent are unable to make any statement before this Court whether that order has been complied with or not. However, the counsel for the petitioner states that his client has not contacted him for last many years. Possibility of not contacting the counsel by the petitioner is that he may not have any grievance now in the matter. However, in case that order has not been complied with, then it has to be complied with by the respondent. The grievance of the petitioner in the petition is that he was not given promotion to the post of Executive Engineer. The case of the petitioner was not considered for promotion as he was under suspension at the relevant time. The petitioner came up with the case before this court that even if he was under suspension then his case was to be considered for promotion and sealed cover procedure ought to have been followed, which has not been done. Now it is a matter of the year 1984 and by now the suspension of the petitioner would have also come to an end or if any inquiry had been started that also would have come to an end. But these are the facts which are in the personal knowledge of the petitioner. The counsel for the petitioner has not disclosed the same.

2. In view of the aforesaid position, this writ petition stands disposed of with direction to the respondents that the interim order passed by this Court, if not already complied with, should be complied with within a period of three months from the date of receipt of certified copy of this order. Rule made absolute in the aforesaid terms with no order as to costs.

